

AUTHORITY: Sec. 204 of Pub. L. 107-174, 116 Stat. 566; Presidential Memorandum dated July 8, 2003, "Delegation of Authority Under Section 204(a) of the Notification and Federal Employee Antidiscrimination Act of 2002."

SOURCE: 69 FR 2998, Jan. 22, 2004, unless otherwise noted.

#### **§ 724.101 Purpose and scope.**

This subpart implements Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 concerning the obligation of Federal agencies to reimburse the Judgment Fund for payments. The regulations describe agency obligations and the procedures for reimbursement and compliance.

#### **§ 724.102 Definitions.**

In this part: *Agency* means an Executive agency as defined in 5 U.S.C. 105, the United States Postal Service, or the Postal Rate Commission;

*Applicant for Federal employment* means an individual applying for employment in or under a Federal agency;

*Employee* means an individual employed in or under a Federal agency;

*Former employee* means an individual formerly employed in or under a Federal agency;

*Judgment Fund* means the Judgment Fund established by 31 U.S.C. 1304;

*No FEAR Act* means the "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002;"

*Payment* means a disbursement from the Judgment Fund on or after October 1, 2003, to an employee, former employee, or applicant for Federal employment, in accordance with 28 U.S.C. 2414, 2517, 2672, 2677 or with 31 U.S.C. 1304, that involves alleged discriminatory conduct described in 5 U.S.C. 2302(b)(1) and (b)(8) or (b)(9) as applied to discriminatory conduct described in 5 U.S.C. 2302(b)(1) and/or (b)(8).

#### **§ 724.103 Agency Obligations.**

A Federal agency must reimburse the Judgment Fund for payments covered by the No FEAR Act. Such reimbursement must be made within a reasonable time as described in § 724.104.

#### **§ 724.104 Procedures.**

(a) The procedures that agencies must use to reimburse the Judgment Fund are those prescribed by the Financial Management Service (FMS), the Department of the Treasury, in Chapter 3100 of the Treasury Financial Manual. All reimbursements to the Judgment Fund covered by the No FEAR Act are expected to be fully collectible from the agency. FMS will provide notice to the agency's Chief Financial Officer within 15 business days after payment from the Judgment Fund. For any payments from the Fund between October 1, 2003, and January 22, 2004, FMS will provide such notice within 15 business days after January 22, 2004, if it has not already provided such notice.

(b) Within 45 business days of notice by FMS, agencies must reimburse the Judgment Fund or contact FMS to make arrangements in writing for reimbursement.

#### **§ 724.105 Compliance.**

An agency's failure to reimburse the Judgment Fund or to contact FMS within 45 business days of an FMS notice for reimbursement under § 724.104 will be recorded on an annual basis and posted on the FMS Web site.

#### **§ 724.106 Effective Date.**

This subpart is effective on October 1, 2003.

### **Subpart B—Notification of Rights and Protections and Training [Reserved]**

### **Subpart C—Annual Report [Reserved]**

### **Subpart D—Best Practices [Reserved]**

## **PART 730—NOTIFICATION OF POST-EMPLOYMENT RESTRICTIONS**

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